

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE:
SHERRY A. BEARD
Debtor,**

**MICHAEL JERMINSKI AND ERIKA
JERMINSKY, F/K/A ERIKA PETITO
PLAINTIFFS**

V.

**SHERRY A. BEARD
Defendant**

**Chapter 7
Case No. 21-13349**

ADVERSARY NO. 22-00035-PMM

**NOTICE OF DEBTOR'S APPLICATION TO EXTEND THE DEADLINE TO RESPOND
TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND RELATED PRE-
TRIAL DEADLINES**

Kindly take notice that Defendant/Debtor, SHERRY A. BEARD through the undersigned counsel, has filed an Application to Extend the Deadline to Respond to Plaintiff's Motion for Summary Judgment, and to Extend Pre-Trial Deadlines related to the above noted Adversary Action.

Any objection must be served on the undersigned counsel within seven (7) days of the date of service of this filing.

Respectfully submitted,

/s/ LEE M. HERMAN

Lee M. Herman, Esquire
280 N. Providence Road
Media, PA 19063
1-610-891-6500
lmh@lmhlaw.com
Counsel to Debtor

January 5, 2023

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE:
SHERRY A. BEARD
Debtor,

Chapter 7
Case No. 21-13349

MICHAEL JERMINSKI AND ERIKA
JERMINSKY, F/K/A ERIKA PETITO
PLAINTIFFS

ADVERSARY NO. 22-00035-PMM

V.

SHERRY A. BEARD
Defendant

ORDER

AND NOW, this _____ day of _____, 2023, upon consideration of the Application of Lee M. Herman, Esquire, attorney for Defendant/Debtor, Sherry A. Beard, Deceased for an Extension of Time to Respond to Plaintiff's Motion for Summary Judgment, and to otherwise extend all pre-trial deadlines, there being no objection and for good cause shown, it is hereby **ORDERED**:

Debtor's Application is **GRANTED**. Defendant/Debtor Sherry A. Beard, Deceased, shall file a response to Plaintiff's Summary Judgment Motion on or before _____, provided that a Personal Representative has been appointed for Debtor's estate; any Reply shall be filed on or before _____.

It is further ORDERED that all pre-trial deadlines in the above captioned Adversary Action are extended for a period of _____ days.

PATRICIA M. MAYER
UNITED STATES BANKRUPTCY JUDGE

Lee M. Herman, Esquire
280 N. Providence Road, Suite 4
Media, PA 19063
(610) 891-6500
Attorney for Debtor

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE:
SHERRY A. BEARD
Debtor,**

**MICHAEL JERMINSKI AND ERIKA
JERMINSKY, F/K/A ERIKA PETITO
PLAINTIFFS**

V.

**SHERRY A. BEARD
Defendant**

**Chapter 7
Case No. 21-13349**

ADVERSARY NO. 22-00035-PMM

**DEBTOR'S APPLICATION FOR EXTENSION OF TIME TO RESPOND TO
PLAINTIFF'S SUMMARY JUDGMENT MOTION AND TO FURTHER EXTEND ALL
PRE-TRIAL DEADLINES**

Lee M. Herman, Esquire, as attorney for Debtor/Defendant, Sherry A. Beard, Deceased, respectfully applies to this Honorable Court for an Order extending certain deadlines previously set in the above captioned Adversary Action and in support says:

1. Debtor filed for relief under Chapter 7 on December 21, 2021. The case was converted to a Chapter 13 proceeding thereafter.
2. Thereafter, on December 15, 2022, this Court converted the Debtor's pending Chapter 13 case to a Chapter 7 case.
3. The present Adversary Action was filed on April 11, 2022.
4. This Honorable Court has jurisdiction over this Application as it is a core proceeding regarding the administration of this matter under the Bankruptcy Code.

5. On December 2, 2022, Plaintiffs filed a Motion for Summary Judgment (“the Motion”) in the Adversary Action.

6. On December 5, 2022, the Court entered an Order directing that Defendant file a response to the Motion on or before January 5, 2023 and that Defendants could file a Reply to the Defendant’s response on or before January 26, 2023.

7. On December 27, 2022, Debtor, Sherry A. Beard, died.

8. For a period of approximately 90-120 days prior to her death, Debtor had been repeatedly admitted as an in-patient at a hospital thereafter at a nursing/rehabilitation facility.

9. Since Debtor’s death, the undersigned counsel has been in touch with members of the Debtor’s family and has been advised that:

- Debtor left a Will, naming two family members as Executor and as Substitute Executor.
- Both family members who are named in Debtor’s Will intend to decline being appointed as Debtor’s Personal Representative.
- As of January 5, 2023, the Will has not been probated.
- As of January 5, 2023, no Personal Representative has been appointed by the Register of Wills of Chester County.

10. Until such time as Debtor’s Will is probated, and/or a personal representative is appointed by the Register of Wills of Chester County, the undersigned counsel has no client to represent.

11. The undersigned counsel has advised both the attorney for the Chapter 7 Trustee and Defendants’ counsel of the facts set forth in Paragraph 9, above.

12. The undersigned an extension of forty-five (45) days to file a response to the Plaintiff’s Summary Judgment motion, together with a similar extension for all pre-trial deadlines, subject to

the appointment of a Personal Representative for Debtor's Estate; absent such extension, the undersigned has no client to represent, or to have meaningful discussions concerning the Adversary Action going forward.

13. In the abundance of caution, the undersigned respectfully requests that all deadlines be extended for a minimum of forty-five (45) days.

14. The undersigned believes that cause exists to permit and allow an extension of time to finish these documents.

15. I have advised Plaintiff's counsel of my intention to file the present application and have been advised that Plaintiff's counsel is consulting his clients regarding their position.

WHEREFORE, the undersigned respectfully requests the Court grant the present application and enter an order (i) extending to extend the deadline for a response to Plaintiff's Motion for Summary Judgment for forty-five (45) days, subject to the appointment of a Personal Representative for Debtor, Sherry Beard, Deceased; (ii) extending other Pre-Trial deadlines and the trial date for the Adversary Action; and (iii) granting such other and further relief as is just and proper.

Respectfully submitted, this 5th day of January 2023

/s/ LEE M. HERMAN

Lee M. Herman, Esquire
280 N. Providence Road
Media, PA 19063
1-610-891-6500

lmh@lmhlaw.com

Counsel to Debtor, Sherry A. Beard,
Deceased

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE:
SHERRY A. BEARD
Debtor,**

**Chapter 7
Case No. 21-13349**

**MICHAEL JERMINSKI AND ERIKA
JERMINSKY, F/K/A ERIKA PETITO
PLAINTIFFS**

ADVERSARY NO. 22-00035-PMM

V.

**SHERRY A. BEARD
Defendant**

ORDER

AND NOW, this _____ day of _____, 2023, upon consideration of the Application for an Extension of Time to Respond to Plaintiff's Motion for Summary Judgment, and to otherwise Extend Pre-Trial Deadlines, there being no objection and for good cause shown, it is hereby **ORDERED**:

Debtor's Application is **GRANTED**.

1. Debtor shall respond to Plaintiff's Motion for Summary Judgment file all missing documents on or before _____, 2023, provided that a Personal Representative has been appointed for the Estate of Sherry A. Beard. Plaintiff may file any reply on or before _____, 2023.
2. All Pre-Trial Deadlines previously set shall be extended for a period of _____ days.

BY THE COURT:

PATRICIA M. MAYER
UNITED STATES BANKRPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE:
SHERRY A. BEARD
Debtor,**

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CERTIFICATE OF SERVICE

LEE M. HERMAN, ESQUIRE certifies:

1. I am counsel to the Debtor.
2. I served a copy of the within Application to Extend Time Deadlines, etc. upon the following via ECF:

Robert J. Lohr, II, Esquire
Lohr & Associates, LTD
1246 West Chester Pike, Suite 312
West Chester, PA 19382

Robert W. Seitzer, Esquire
Attorney for Proposed Trustee
1900 Spruce Street
Philadelphia, PA 19103

OFFICE OF THE U.S. TRUSTEE
USTPRegion03.PH.ECF@usdoj.gov

Respectfully submitted, this 5th day of January, 2022.

/s/ LEE M. HERMAN
Lee M. Herman, Esquire